HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Writ Petition No. 759(S/S)2004

Dinesh Penuli, S/o Sri J.P. Penuli,
Presently posted as Assistant Teacher,
G.I.C., Dakpathar, Dehradun. ….Petitioner.

Vs.

State of Uttaranchal through,
Secretary, (Madhyamik)., Uttaranchal, Dehradun,
And three others. ….Respondents.

Sri. I.P. Gairola, learned counsel for the petitioner,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.P. Gairoala, learned counsel for the petitioner and learned Standing Counsel for the State who has accepted notices on behalf of the respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 25th June 2004 annexure-7 to the writ petition passed by the Addl. Director of Education, Garhwal Mandal, Pauri Garhwal by which the petitioner has been transferred from G.I.C. Dakpathar to Govt. Higher Secondary School, Kunipartha, Chamoli. The Addl. Director of Education, while passing the aforesaid order has pointed out that the petitioner is being transferred as per policy of the Government dated 21st June 2004 and also for the inconsistent subject being taught by the petitioner.

Counsel for the petitioner has submitted that the petitioner was initially appointed as CT. Grade Teacher and he was promoted on 19.05.1988 in L.T. Grade (General) and was posted at Bhatgaon, Tehri, which is very remote area. Thereafter, the petitioner was transferred to G.I.C. Kalsi and again vide order dated 30th July 1991 he was transferred from G.I.C. Kalsi to G.I.C., Dakpathar, Dehradun on his own request. The transfer order dated 30th July 1991 specifically states that the petitioner is being transferred to G.I.C. Dakpathar, Dehradun to teach English subject. It is also submitted by the petitioner that the petitioner has graduation degree with English as a subject and at present he is teaching English in G.I.C., Dakpathar District Dehradun

and, as such, the Addl. Director of Education is wrong whereby he has indicated that the petitioner is teaching inconsistent subject consequently, is being transferred to Kunipartha. He has further submitted that the petitioner has spent more that 13 years in a very remote area and, as such, it was not appropriate on the part of the Department to transfer him again to remote area, which comes in "Ati Durgam Area".

Counsel for the petitioner has submitted that the petition's wife is also serving in the Block Raipur, which is about 40 Kms. away from Dakpathar and in case, the petitioenr is forced to join at Chamoli his whole family will be disturbed because the children of the petitioner are studying in Dehradun.

Counsel for the petitioner has submitted that he has moved a representation before the Addl. Director of Education on 29th June 2004, which is annexure-8 to the writ petition.

In view of the above circumstances and in the interest of justice it is provided that the impugned transfer order shall be kept in abeyance and the petitioner shall not be relieved till the decision is taken on his representation. The petitioner is directed to submit a copy of this order before the Addl. Director of Education alongwith the copy of his representation by 19th July 2004 and the Addl. Director of Education shall pass order on the representation by 26th July 2004.

With these directions, the writ petition is finally disposed of.

Copy of this order be supplied to the petitioenr today itself on payment of usual charges.

(M.M. Ghildiyal, J.)

July 12, 2004:
NCM: